

REFERENCE TITLE: nondiscrimination; accommodation; employment; housing

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2455

Introduced by
Representatives Campbell CL, Heinz, Patterson

AN ACT

AMENDING SECTIONS 41-1441, 41-1442, 41-1461, 41-1463, 41-1464, 41-1491, 41-1491.14, 41-1491.15, 41-1491.16, 41-1491.17, 41-1491.20 AND 41-1491.21, ARIZONA REVISED STATUTES; RELATING TO UNLAWFUL DISCRIMINATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1441, Arizona Revised Statutes, is amended to
3 read:

4 41-1441. Definitions

5 In this article, unless the context otherwise requires:

6 1. "GENDER IDENTITY OR EXPRESSION" MEANS A PERSON'S GENDER-RELATED
7 SELF-IDENTITY, APPEARANCE, EXPRESSION OR BEHAVIOR, REGARDLESS OF THE PERSON'S
8 ASSIGNED SEX AT BIRTH.

9 ~~1.~~ 2. "Person" means an individual, corporation, partnership,
10 unincorporated association, or other organization, and includes the owner,
11 lessee, operator, proprietor, manager, superintendent, agent, or employee of
12 any place of public accommodation.

13 ~~2.~~ 3. "Places of public accommodation" means all public places of
14 entertainment, amusement or recreation, all public places where food or
15 beverages are sold for consumption on the premises, all public places which
16 are conducted for the lodging of transients or for the benefit, use or
17 accommodation of those seeking health or recreation and all establishments
18 which cater or offer their services, facilities or goods to or solicit
19 patronage from the members of the general public. Any dwelling as defined in
20 section 41-1491, or any private club, or any place which is in its nature
21 distinctly private is not a place of public accommodation.

22 4. "SEXUAL ORIENTATION" MEANS A PERSON'S REAL OR PERCEIVED
23 HETEROSEXUALITY, HOMOSEXUALITY OR BISEXUALITY.

24 Sec. 2. Section 41-1442, Arizona Revised Statutes, is amended to read:

25 41-1442. Discrimination in places of public accommodation:
26 exceptions

27 A. Discrimination in places of public accommodation against any person
28 because of ~~race, color, religion, sex, national origin or ancestry~~ AGE, RACE,
29 COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL
30 STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL
31 CHARACTERISTIC is contrary to the policy of this state and shall be deemed
32 unlawful.

33 B. No person shall, directly or indirectly, refuse to, withhold from
34 or deny to any person, nor aid in or incite such refusal to deny or withhold,
35 accommodations, advantages, facilities or privileges thereof because of ~~race,~~
36 ~~color, religion, sex, national origin or ancestry~~ AGE, RACE, COLOR, CREED,
37 RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER
38 IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC, nor
39 shall distinction be made with respect to any person based on ~~race, color,~~
40 ~~religion, sex, national origin or ancestry~~ AGE, RACE, COLOR, CREED, RELIGION,
41 NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY
42 OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC in connection
43 with the price or quality of any item, goods or services offered by or at any
44 place of public accommodation.

C. Any person who is under the influence of alcohol or narcotics, who is guilty of boisterous conduct, who is of lewd or immoral character, who is physically violent or who violates any regulation of any place of public accommodation that applies to all persons regardless of ~~race, color, religion, sex, national origin or ancestry~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC may be excluded from any such place of public accommodation and nothing in this article shall be considered to limit the right of such exclusion.

Sec. 3. Section 41-1461, Arizona Revised Statutes, is amended to read:

41-1461. Definitions

In this article, unless the context otherwise requires:

1. "Covered entity" means an employer, employment agency, labor organization or joint labor-management committee.

2. "Disability" means, with respect to an individual, except any impairment caused by current use of illegal drugs, any of the following:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the individual.

(b) A record of such a physical or mental impairment.

(c) Being regarded as having such a physical or mental impairment.

3. "Employee":

(a) Means an individual employed by an employer.

(b) Does not include an elected public official of this state or any political subdivision of this state, any person chosen by an elected official to be on the elected official's personal staff, an appointee on the policymaking level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office, unless the person or appointee is subject to the civil service laws of this state or any political subdivision of this state.

4. "Employer":

(a) Means a person who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of that person, except that to the extent that any person is alleged to have committed any act of sexual harassment, employer means, for purposes of administrative and civil actions regarding those allegations of sexual harassment, a person who has one or more employees in the current or preceding calendar year.

(b) Does not include either:

(i) The United States or any department or agency of the United States, a corporation wholly owned by the government of the United States or an Indian tribe.

(ii) A bona fide private membership club, other than a labor organization, that is exempt from taxation under section 501(c) of the internal revenue code of 1954.

5. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of that person.

6. "GENDER IDENTITY OR EXPRESSION" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1441.

~~6-~~ 7. "Labor organization":

(a) Means a labor organization and any agent of a labor organization.

(b) Includes:

(i) Any organization of any kind, any agency or employee representation committee, group, association or plan in which fifteen or more employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment.

(ii) Any conference, general committee, joint or system board or joint council that is subordinate to a national or international labor organization.

~~7-~~ 8. "Person" means one or more individuals, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers.

9. "PHYSICAL CHARACTERISTIC" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1441.

~~8-~~ 10. "Qualified individual with a disability" means a person with a disability who, with or without reasonable accommodation, is capable of performing the essential functions of the employment position that the individual holds or desires.

~~9-~~ 11. "Reasonable accommodation" includes:

(a) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities.

(b) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters and other similar accommodations for individuals with disabilities.

~~10-~~ 12. "Religion" means all aspects of religious observance and practice, as well as belief. Unlawful practices as prohibited by this article include practices with respect to religion unless an employer demonstrates that the employer is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

13. "SEXUAL ORIENTATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1441.

~~11.~~ 14. "Undue hardship":

(a) Means an action requiring significant difficulty or expense when considered in light of the factors set forth in subdivision (b) of this paragraph.

(b) When determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

(i) The nature and cost of the accommodations needed under this article.

(ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at the facility, the effect on expenses and resources of the facility and any other impact of the accommodation on the operation of the facility.

(iii) The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees and the number, type and location of its facilities.

(iv) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of the covered entity.

(v) The geographic separateness and the administrative or fiscal relationship of the facility to the covered entity.

Sec. 4. Section 41-1463, Arizona Revised Statutes, is amended to read:

~~41-1463.~~ Discrimination; unlawful practices; definition

A. Nothing contained in this article shall be interpreted to require that the less qualified be preferred over the better qualified simply because of ~~race, color, religion, sex, age, disability or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC.

B. It is an unlawful employment practice for an employer:

1. To fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions or privileges of employment because of the individual's ~~race, color, religion, sex, age, disability or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC.

2. To limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of the individual's ~~race, color, religion, sex, age, disability or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC.

3. To fail or refuse to hire, to discharge, or to otherwise discriminate against any individual based on the results of a genetic test received by the employer, notwithstanding subsection I, paragraph 2 of this section.

C. It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment or otherwise to discriminate against any individual because of the individual's ~~race, color, religion, sex, age, disability or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC or to classify or refer for employment any individual on the basis of the individual's ~~race, color, religion, sex, age, disability or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC.

D. It is an unlawful employment practice for a labor organization:

1. To exclude or to expel from its membership or otherwise to discriminate against any individual because of the individual's ~~race, color, religion, sex, age, disability or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC.

2. To limit, segregate or classify its membership or applicants for membership or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive the individual of employment opportunities or would limit those employment opportunities or otherwise adversely affect the individual's status as an employee or as an applicant for employment because of the individual's ~~race, color, religion, sex, age, disability or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC.

3. To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

E. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs, including on-the-job training programs, to discriminate against any individual because of the individual's ~~race, color, religion, sex, age, disability or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC in admission to or employment in any program established to provide apprenticeship or other training and, if the individual is an otherwise qualified individual with a disability, to fail or refuse to reasonably accommodate the individual's disability.

F. With respect to an individual with a disability, it is an unlawful employment practice for a covered entity to:

1 1. Participate in any contractual or other arrangement or relationship
2 that has the effect of subjecting a qualified individual with a disability
3 who applies with or who is employed by the covered entity to unlawful
4 employment discrimination.

5 2. Use standards, criteria or methods of administration that have the
6 effect of discriminating on the basis of disability or that perpetuate the
7 discrimination of others who are subject to common administrative control.

8 3. Exclude or otherwise deny equal jobs or benefits to a qualified
9 individual because of the known disability of an individual with whom the
10 qualified individual is known to have a relationship or association.

11 4. Not make reasonable accommodations to the known physical or mental
12 limitations of an otherwise qualified individual with a disability who is an
13 applicant or employee unless the covered entity can demonstrate that the
14 accommodation would impose an undue hardship on the operation of the business
15 of the covered entity.

16 5. Deny employment opportunities to a job applicant or employee who is
17 an otherwise qualified individual with a disability if the denial is based on
18 the need of the covered entity to make reasonable accommodation to the
19 physical or mental impairment of the applicant or employee.

20 6. Use qualification standards, employment tests or other selection
21 criteria that screen out or tend to screen out an individual with a
22 disability or a class of individuals with disabilities, unless the standard,
23 test or other selection criteria, as used by the covered entity, is shown to
24 be job related for the position in question and is consistent with business
25 necessity.

26 7. Fail to select and administer tests relating to employment in the
27 most effective manner to ensure that, when the test is administered to a job
28 applicant or employee who has a disability that impairs sensory, manual or
29 speaking skills, the test results accurately reflect the skills, ~~OR~~ aptitude
30 or whatever other factor of the applicant or employee that the test purports
31 to measure, rather than reflecting the impaired sensory, manual or speaking
32 skills of the applicant or employee, except if the skills are the factors
33 that the test purports to measure.

34 G. Notwithstanding any other provision of this article, it is not an
35 unlawful employment practice:

36 1. For an employer to hire and employ employees, for an employment
37 agency to classify or refer for employment any individual, for a labor
38 organization to classify its membership or classify or refer for employment
39 any individual, or for an employer, labor organization or joint
40 labor-management committee controlling apprenticeship or other training or
41 retraining programs to admit or employ any individual in any such program, on
42 the basis of the individual's religion, sex or national origin in those
43 certain instances when religion, sex or national origin is a bona fide
44 occupational qualification reasonably necessary to the normal operation of
45 that particular business or enterprise.

2. For any school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school, college, university or other educational institution or institution of learning is in whole or in substantial part owned, supported, controlled or managed by a particular religion or religious corporation, association or society, or if the curriculum of the school, college, university or other educational institution or institution of learning is directed toward the propagation of a particular religion.

3. For an employer to fail or refuse to hire or employ any individual for any position, for an employment agency to fail or refuse to refer any individual for employment in any position or for a labor organization to fail or refuse to refer any individual for employment in any position, if both of the following apply:

(a) The occupancy of the position or access to the premises in or upon which any part of the duties of the position are performed or are to be performed is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any executive order of the President of the United States.

(b) The individual has not fulfilled or has ceased to fulfill that requirement.

4. With respect to age, for an employer, employment agency or labor organization:

(a) To take any action otherwise prohibited under subsection B, C or D of this section if age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or if the differentiation is based on reasonable factors other than age.

(b) To observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, deferred compensation or insurance plan, which is not a subterfuge to evade the purposes of the age discrimination provisions of this article, except that no employee benefit plan may excuse the failure to hire any individual and no seniority system or employee benefit plan may require or permit the involuntary retirement of any individual specified by section 41-1465 because of the individual's age.

(c) To discharge or otherwise discipline an individual for good cause.

H. As used in this article, unlawful employment practice does not include any action or measure taken by an employer, labor organization, joint labor-management committee or employment agency with respect to an individual who is a member of the communist party of the United States or of any other organization required to register as a communist-action or communist-front organization by final order of the subversive activities control board pursuant to the subversive activities control act of 1950.

I. Notwithstanding any other provision of this article, it is not an unlawful employment practice:

1 1. For an employer to apply different standards of compensation or
 2 different terms, conditions or privileges of employment pursuant to a bona
 3 fide seniority or merit system or a system which measures earnings by
 4 quantity or quality of production or to employees who work in different
 5 locations, provided that these differences are not the result of an intention
 6 to discriminate because of ~~race, color, religion, sex or national origin~~ AGE,
 7 RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL
 8 STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL
 9 CHARACTERISTIC.

10 2. For an employer to give and act upon the results of any
 11 professionally developed ability test provided that the test, its
 12 administration or action upon the results is not designed, intended or used
 13 to discriminate because of ~~race, color, religion, sex or national origin~~ AGE,
 14 RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL
 15 STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL
 16 CHARACTERISTIC.

17 3. For any employer to differentiate upon the basis of sex or
 18 disability in determining the amount of the wages or compensation paid or to
 19 be paid to employees of the employer if the differentiation is authorized by
 20 the provisions of section 6(d) or section 14 of the fair labor standards act
 21 of 1938, as amended (29 United States Code section 206(d)).

22 J. Nothing contained in this chapter applies to any business or
 23 enterprise on or near an Indian reservation with respect to any publicly
 24 announced employment practice of the business or enterprise under which a
 25 preferential treatment is given to any individual because the individual is
 26 an Indian living on or near a reservation.

27 K. Nothing contained in this article or article 6 of this chapter
 28 requires any employer, employment agency, labor organization or joint
 29 labor-management committee subject to this article to grant preferential
 30 treatment to any individual or group because of the ~~race, color, religion,~~
 31 ~~sex or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN,
 32 ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION,
 33 SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC of the individual or group on
 34 account of an imbalance which may exist with respect to the total number or
 35 percentage of persons of any ~~race, color, religion, sex or national origin~~
 36 AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY,
 37 MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR
 38 PHYSICAL CHARACTERISTIC employed by any employer, referred or classified for
 39 employment by any employment agency or labor organization, admitted to
 40 membership or classified by any labor organization or admitted to or employed
 41 in any apprenticeship or other training program, in comparison with the total
 42 number or percentage of persons of that ~~race, color, religion, sex or~~
 43 ~~national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY,
 44 DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL
 45 ORIENTATION OR PHYSICAL CHARACTERISTIC in any community, state, section or

1 other area, or in the available work force in any community, state, section
2 or other area.

3 L. Nothing in the age discrimination prohibitions of this article may
4 be construed to prohibit compulsory retirement of any employee who has
5 attained sixty-five years of age and who, for the two year period immediately
6 before retirement, is employed in a bona fide executive or high policymaking
7 position, if the employee is entitled to an immediate nonforfeitable annual
8 retirement benefit from a pension, profit sharing, savings or deferred
9 compensation plan or any combination of plans of the employer for the
10 employee, which equals, in the aggregate, at least forty-four thousand
11 dollars. In applying the retirement benefit test of this subsection, if any
12 retirement benefit is in a form other than a straight life annuity, with no
13 ancillary benefits, or if employees contribute to the plan or make rollover
14 contributions, the benefit shall be adjusted in accordance with rules adopted
15 by the division so the benefit is the equivalent of a straight life annuity,
16 with no ancillary benefits, under a plan to which employees do not contribute
17 and under which no rollover contributions are made.

18 M. A covered entity may require that an individual with a disability
19 shall not pose a direct threat to the health or safety of other individuals
20 in the workplace. For the purposes of this subsection, "direct threat" means
21 a significant risk to the health or safety of others that cannot be
22 eliminated by reasonable accommodation.

23 N. For the purposes of this section and section 41-1481, with respect
24 to employers or employment practices involving a disability, "individual"
25 means a qualified individual with a disability.

26 Sec. 5. Section 41-1464, Arizona Revised Statutes, is amended to read:

27 41-1464. Other unlawful employment practices: opposition to
28 unlawful practices; filing of charges; participation
29 in proceedings; notices and advertisements for
30 employment

31 A. It is an unlawful employment practice for an employer to
32 discriminate against any of his employees or applicants for employment, for
33 an employment agency or joint labor-management committee controlling
34 apprenticeship or other training or retraining programs, including on-the-job
35 training programs, to discriminate against any individual or for a labor
36 organization to discriminate against any member or applicant for membership
37 because the member or applicant has opposed any practice which is an unlawful
38 employment practice under this article or has made a charge, testified,
39 assisted or participated in any manner in an investigation, proceeding or
40 hearing under article 6 of this chapter.

41 B. It is ~~AN~~ unlawful employment practice for an employer, labor
42 organization, employment agency or joint labor-management committee
43 controlling apprenticeship or other training or retraining programs,
44 including on-the-job training programs, to print or publish or cause to be
45 printed or published any notice or advertisement relating to employment by

1 such an employer or membership in or any classification or referral for
 2 employment by such a labor organization or relating to any classification or
 3 referral for employment by such an employment agency or relating to admission
 4 or to employment in any program established to provide apprenticeship or
 5 other training by such a joint labor-management committee indicating any
 6 preference, limitation, specification or discrimination based on ~~race, color,~~
 7 ~~religion, sex or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL
 8 ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, GENDER IDENTITY OR
 9 EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC, except that such a
 10 notice or advertisement may indicate a preference, limitation, specification
 11 or discrimination based on religion, sex or national origin when religion,
 12 sex or national origin is a bona fide occupational qualification for
 13 employment.

14 C. It is unlawful for an employer, labor organization or employment
 15 agency to print or publish or cause to be printed or published any notice or
 16 advertisement relating to employment by an employer or membership in or any
 17 classification or referral for employment by a labor organization ~~or relating~~
 18 ~~to any classification or referral for employment by a labor organization~~ or
 19 relating to any classification or referral for employment by an employment
 20 agency, indicating any preference, limitation, specification or
 21 discrimination based on age, except such a notice or advertisement may
 22 indicate a preference, limitation, specification or discrimination based on
 23 age when age is a bona fide occupational qualification for employment.

24 Sec. 6. Section 41-1491, Arizona Revised Statutes, is amended to read:

25 41-1491. Definitions

26 In this article, unless the context otherwise requires:

27 1. "Aggrieved person" includes any person who either:

28 (a) Claims to have been injured by a discriminatory housing practice.

29 (b) Believes that he will be injured by a discriminatory housing
 30 practice that is about to occur.

31 2. "Complainant" means a person, including the attorney general, who
 32 files a complaint under section 41-1491.22.

33 3. "Conciliation" means the attempted resolution of issues raised by a
 34 complaint or by the investigation of the complaint through informal
 35 negotiations involving the aggrieved person, the respondent and the attorney
 36 general.

37 4. "Conciliation agreement" means a written agreement setting forth
 38 the resolution of the issues in conciliation.

39 5. "Disability" means a mental or physical impairment that
 40 substantially limits at least one major life activity, a record of such an
 41 impairment or being regarded as having such an impairment. Disability does
 42 not include current illegal use of or addiction to any drug or illegal or
 43 federally controlled substance. Disability shall be defined as the term is
 44 defined by the Americans with disabilities act of 1990 (P.L. 101-336).

1 6. "Discriminatory housing practice" means an act prohibited by
2 sections 41-1491.14 through 41-1491.21.

3 7. "Dwelling" means either:

4 (a) Any building, structure or part of a building or structure that is
5 occupied as, or designed or intended for occupancy as, a residence by one or
6 more families.

7 (b) Any vacant land that is offered for sale or lease for the
8 construction or location of a building, structure or part of a building or
9 structure described by subdivision (a) of this paragraph.

10 8. "Family" includes a single individual.

11 9. "GENDER IDENTITY OR EXPRESSION" HAS THE SAME MEANING PRESCRIBED IN
12 SECTION 41-1441.

13 ~~9.~~ 10. "Person" means one or more individuals, corporations,
14 partnerships, associations, labor organizations, legal representatives,
15 mutual companies, joint stock companies, trusts, unincorporated
16 organizations, trustees, receivers, fiduciaries, banks, credit unions and
17 financial institutions.

18 11. "PHYSICAL CHARACTERISTIC" HAS THE SAME MEANING PRESCRIBED IN
19 SECTION 41-1441.

20 ~~10.~~ 12. "Respondent" means either:

21 (a) The person accused of a violation of this article in a complaint
22 of a discriminatory housing practice.

23 (b) Any person identified as an additional or substitute respondent
24 under section 41-1491.25 or an agent of an additional or substitute
25 respondent.

26 13. "SEXUAL ORIENTATION" HAS THE SAME MEANING PRESCRIBED IN SECTION
27 41-1441.

28 ~~11.~~ 14. "To rent" includes to lease, to sublease, to let or to
29 otherwise grant for a consideration the right to occupy premises not owned by
30 the occupant.

31 Sec. 7. Section 41-1491.14, Arizona Revised Statutes, is amended to
32 read:

33 41-1491.14. Discrimination in sale or rental

34 A. A person may not refuse to sell or rent after a bona fide offer has
35 been made or refuse to negotiate for the sale or rental of or otherwise make
36 unavailable or deny a dwelling to any person because of ~~race, color,~~
37 ~~religion, sex, familial status or national origin~~ AGE, RACE, COLOR, CREED,
38 RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, FAMILIAL STATUS, MARITAL
39 STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL
40 CHARACTERISTIC.

41 B. A person may not discriminate against any person in the terms,
42 conditions or privileges of sale or rental of a dwelling, or in providing
43 services or facilities in connection with the sale or rental, because of
44 ~~race, color, religion, sex, familial status or national origin~~ AGE, RACE,
45 COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, FAMILIAL

STATUS, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC.

C. This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

Sec. 8. Section 41-1491.15, Arizona Revised Statutes, is amended to read:

41-1491.15. Publication of sales or rentals

A person may not make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on ~~race, color, religion, sex, disability, familial status or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, FAMILIAL STATUS, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC or an intention to make such a preference, limitation or discrimination.

Sec. 9. Section 41-1491.16, Arizona Revised Statutes, is amended to read:

41-1491.16. Inspection of dwelling

A person may not represent to any person because of ~~race, color, religion, sex, disability, familial status or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, FAMILIAL STATUS, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC that a dwelling is not available for inspection for sale or rental if the dwelling is available for inspection.

Sec. 10. Section 41-1491.17, Arizona Revised Statutes, is amended to read:

41-1491.17. Entry into neighborhood

A person, for profit, may not induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular ~~race, color, religion, sex, disability, familial status or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, FAMILIAL STATUS, MARITAL STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL CHARACTERISTIC.

Sec. 11. Section 41-1491.20, Arizona Revised Statutes, is amended to read:

41-1491.20. Residential real estate related transaction; definition

A. A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of ~~race, color, religion, sex, disability, familial status or national origin~~ AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, FAMILIAL STATUS, MARITAL

1 STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL
2 CHARACTERISTIC.

3 B. In this section, "residential real estate related transaction"
4 means:

5 1. Making or purchasing loans or providing other financial assistance
6 either:

7 (a) To purchase, construct, improve, repair or maintain a dwelling.

8 (b) To secure residential real estate.

9 2. Selling, brokering or appraising residential real property.

10 Sec. 12. Section 41-1491.21, Arizona Revised Statutes, is amended to
11 read:

12 41-1491.21. Brokerage services

13 A person may not deny any person access to, or membership or
14 participation in, a multiple listing service, real estate brokers'
15 organization or other service, organization or facility relating to the
16 business of selling or renting dwellings or may not discriminate against a
17 person in the terms or conditions of access, membership or participation in
18 such an organization, service or facility because of ~~race, color, religion,~~
19 ~~sex, disability, familial status or national origin~~ AGE, RACE, COLOR, CREED,
20 RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, FAMILIAL STATUS, MARITAL
21 STATUS, SEX, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION OR PHYSICAL
22 CHARACTERISTIC.